

REMARKS

The present request for continued examination (RCE) is filed in response to the Examiner's final rejection mailed on 2/13/04.

Enclosed is a 37 CFR 1.136 petition for a one-month extension, including payment of the fee set in 37 CFR 1.17(a).

Claims 1-34 have been cancelled.

New claims 35-41 are presented for consideration in this RCE.

The Examiner's final rejection rejected the claims of this application as unpatentable over USP 6,230,268 to Miwa et al in view of USP 6,289,102 to Ueda et al.

Argument for the patentability of claims 35-40:

Miwa's '268 patent teaches one-time-copy-permission by adding a token to digital data that is to be copied only once, as is described at lines 34-41 of column 7 of the '268 patent.

In Miwa's '268 patent, CCI(1,0) may correspond to a watermark. To this CCI(1,0), a token is appended by the content-owner prior to distribution, so as to permit only one-time-copy as shown in Fig. 5 of the '268 patent.

When Miwa's digital data is copied at the user-side, as is described relative to Fig. 5 and Fig. 6 of the '268 patent, the token and the digital content are subjected to different processes in order to compare the transferred-token and the generated-token from the digital content at the user-side.

These different processes are described relative to Fig. 5 of the '268 patent. Miwa's digital content is subjected to a conversion process which is identical to that applied by the

content-owner in order to generate the token prior to distribution to derive the token' at the user-side, and in Fig. 6 the digital data is subjected to a compression process which has been applied to the digital-content in order to derive the abstract.

In addition, only one-time-copy is achieved by destructing the token that was appended by the content-owner upon recording the digital data onto a medium, as is described in the table provided on lines 20-34 of column 9 of the '268 patent.

The above described process makes the device of the '268 patent complex by adding the compression means or conversion means which is separately applied to the token, to the digital contents, to the compare means and to the destruction means. In addition, in order to achieve only one-time-copy, generation of token' or Abstract' must be carried out regardless of the presence or absence of a token or an Abstract. Miwa requires at least a compression means or conversion means, regardless of the presence of a token or an Abstract, and this construction is too complex to implement in a recorder device and/or a player device having limitations in cost and physical space.

The present invention reduces both hardware and software complexities by implementing control means depending on a watermark together with a copy mark.

In the present invention no token is used for inhibiting copy-times, wherein the token is appended to the digital content prior to distribution. Rather, the digital content includes only a watermark for controlling the recording processes and for indicating addition of a copy mark at a user-side.

By using the watermark and the copy mark, a compression means and conversion means is not required by the present invention at the user-side to determine whether or not recording and/or playing-back of the digital data is permitted.

Thus, hardware for copy-control in accordance with the present invention can be manufactured to be compact, and even of a card-size as is depicted in Fig. 2.

That is to say, Miwa's '268 patent does not teach the features of embedding a copy mark depending on the content of the watermark at the user-side, as is claimed in claims 35-41.

Ueda's '102 patent teaches encoding/scrambling and decoding/descrambling of digital data. However Ueda's '102 patent fails to teach the features of inserting the determination step and the embedding step as is provided in the present claims.

When Miwa's '268 patent and Ueda's '102 patent are combined, the present claimed invention is not apparent to a person skilled in the art because Miwa's token and the copy mark of the present invention are uniquely different, and Miwa and Ueda both fail in disclosing when the copy mark is embedded to the digital data.

The present invention also provides high hardware compliance by implementing the watermark and the copy mark while implementing the protocol provided by the present method including the steps of; detecting watermarks, and thereafter embedding/determining a copy mark, as described in the descriptions relating to Fig. 4 and Fig. 5 of the present application.

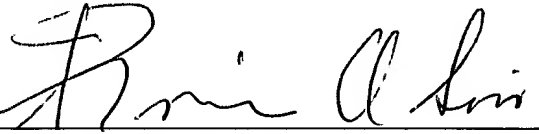
Miwa's '268 patent does not teach the present invention's usage of the watermark and subsequent processes for appending a copy mark, and it is respectfully submitted that the whole of presently submitted claims 35-41 are patentable when the teachings of Miwa's '268 patent and Ueda's '102 patent are combined.



Reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

HOLLAND & HART LLP

By: 

Francis A. Sirr, Esq.
Registration No. 17,265
P.O. Box 8749
Denver, Colorado 80201-8749
(303) 473-2700, x2709

Date: 5/21/04

3232624_1.DOC

RECEIVED
MAY 26 2004
GROUP 3600